

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

FEB 9 2018

**REINALDO CHERBONY ROSADO,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO.: 4:16cv173**

**NANCY A. BERRYHILL,  
Acting Commissioner,  
Social Security Administration,**

**Defendant.**

***ORDER***

On November 21, 2016, Plaintiff brought this action under Section 205(g) of the Social Security Act, 42 U.S.C. Section 405(g), seeking judicial review of the final decision of the Defendant, Nancy A. Berryhill, the Acting Commissioner of the Social Security Administration (“the Commissioner”), which denied Plaintiff’s claim for Disability Insurance Benefits (“DIB”) pursuant to Title II, and his claim for Supplemental Social Security Income (“SSI”) pursuant to Title XVI, of the Social Security Act.

On March 13, 2017, this matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. Section 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for a report and recommendation (R&R). On January 22, 2018, the Magistrate Judge filed his report recommending that Defendant’s Motion for Summary Judgment be **DENIED**, but Plaintiff’s Motion for Summary Judgment be **GRANTED** to the extent it seeks reversal and remand of the Commissioner’s decision, and **DENIED** to the extent that it seeks entry of an order


directing the award of benefits, and the Commissioner's decision be **VACATED** and **REMANDED**.

The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed January 22, 2018, and it is, therefore **ORDERED** that Commissioner's Motion for Summary Judgment be **DENIED**, Plaintiff's Motion for Summary Judgment be **GRANTED IN PART AND DENIED IN PART**, the Commissioner's decision be **VACATED** and **REMANDED**.

The Clerk shall mail a copy of this final Order to counsel for the parties.

**IT IS SO ORDERED.**

Norfolk, Virginia  
February 8, 2018

  
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Raymond A. Jackson  
United States District Judge